IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 25341 of 2004

Between:

1 Syed Badruddin Ahmed Quadri, s/o Syed Habibullah Quadri, R/o H.No.20-3-969, Shah Gunj, Hyderabad-500 042. rep., by GPA Syed Najamuddin Quadri, s/o Syed Badruddin Ahmed Quadri, Occ:Student, aged 24 yrs r/o H.No.20-3-969, Shah Gunj, Hyderabad-500 042.

2 Syed Ahmed Mohiuddin Quadri, s/o S.P.M.Quadri, Vice President, Minorities Progressive Front, r/o H.No.21-4-201/1, Ehata Moosa Quadir, Hussaini Alam, Hyderabad.

3 M.Baquer Hussain Shaz, s/o late M.Ibrahim Hussain Makki, Convener Gareeb Nawaz Mission, r/o H.No.22-7-264/89, Salarjung Complex, Diwandevdi, Hyderabad-500 002.

..... PETITIONERS

AND

1 Government of Andhra Pradesh rep., by its Secretary to Government, Minorities Welfare Department, Secretariat Buildings, Hyderabad.

2 Andhra Pradesh State Wakf Board, rep., by its Special Officer, Near Public Gardens, Nampally, Hyderabad.

3 Syed Ali Akbar Nizamuddin Hussaini, s/o late Syed Kutubuddin Hussain, of Dargah Hazrath Peeran Hussaini also known as Ehate Amir Ali Ahan (In fact Mutawalli of Syed Shah
Khamoosh, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue appropriate writ, order or direction more particularly one in the nature of writ of mandamus directing the respondents herein to initiate appropriate action against the 3rd respondent herein who is Sajjada and Mutawali of Darga Shah Khamosh, Nampally, Hyderabad on the basis of the investigation reports received in respect of illegal and fraudulent and unauthorized sale of wakf properties by Syed Ali Akbar, Nizamuddin Hussaini, in pursuance to the investigation conducted by the AP.State Wakf Board authorities.

Counsel for the Petitioner:MR.M.V.BHARATI

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.2: A.M.Qureshi

Counsel for the Respondent No.3 : Mr. B.Rama Krishna

The Court made the following :

ORDER: *(per BRSR,J)*

This writ petition has been filed in purported public interest with a prayer to issue a *Writ of Mandamus* directing

respondents 1 and 2 herein to initiate appropriate action against the 3rd respondent on the basis of the investigation reports received in respect of illegal, fraudulent and unauthorized sale of Wakf properties by him.

In the affidavit filed in support of the writ petition, it is alleged that the 3rd respondent has sold mulgies belonging to Ehate Amir Ali Shah Wakf situated in Lad Bazar, which were held as Wakf properties. It is also alleged that apart from the same, the 3rd respondent has illegally sold an extent of 80,000 square yards of land covered by Survey Nos.373, 376, 337 and 427 of Kanojiguda, Alwal Mandal, Ranga Reddy District.

The gravamen of the complaint is that in spite of seriousness of the allegations and in spite of investigation by the Inspector and Surveyor of the Wakf Board, no proper action has been initiated against the 3rd respondent.

The Chief Executive Officer filed a detailed counter- affidavit, in which, it is, *inter alia,* stated that petitioners 1 and 2 and three others filed W.P. No.10593 of 2001 for quashing G.O.Ms.No.68, dated 29-05-1996, issued by the Minorities Welfare Department and the same has been dismissed by this Court. It is further stated that the Deputy Director, Survey and Land Records, has not submitted any adverse remarks against the 3rd respondent, and as such, no enquiry is required to be ordered against the 3rd respondent.

The averments made by the Chief Executive Officer of the 2nd respondent clearly demonstrate that there were no records, as such, submitted by any of the authorities against the 3rd respondent requiring any action, as such, to be initiated.

It is further brought to our notice that the petitioners have earlier filed similar writ petition, which was dismissed and the suits filed with regard to the same subject matter were also dismissed by a competent Court of Civil Jurisdiction. We are convinced that it is not a writ petition filed in public interest, but obviously, it appears to have been filed to wreak vengeance against the 3rd respondent. This Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot be permitted to be utilized for such purposes.

We find no *bona fides* on the part of the petitioners in filing the writ petition.

The writ petition fails and shall accordingly stand dismissed without any order as to costs.

(B.Sudershan Reddy, J)

Dated;22-02-2005

(C.V.Ramulu, J)

GJ

To

1 Government of Andhra Pradesh rep., by its Secretary to Government, Minorities Welfare Department, Secretariat Buildings, Hyderabad.

2 Andhra Pradesh State Wakf Board, rep., by its Special Officer, Near Public Gardens, Nampally, Hyderabad.

3 Two C.Cs. to the Government Pleader for Social Welfare, High Court of A.P., Hyderabad. (OUT)

4 Two C.D. copies.